



17 MAR 2006

Oliff & Berridge, PLC
P.O. Box 19928
Alexandria, VA 22320

In re Application of
Blanc
Application No. 10/553,806
PCT No.: PCT/FR04/01001
Int. Filing Date: 23 April 2004
Priority Date: 25 April 2003
Atty. Docket No.: 125580
For: Multi-Part Last For
Manufacturing Shoes

COMMUNICATION

This is in response to the declaration of the inventors filed on 18 November 2005, which is being treated under 37 CFR 1.42.

BACKGROUND

This international application was filed on 23 April 2004, claimed an earliest priority date of 25 April 2003, and designated the U.S. The International Bureau communicated a copy of the published international application to the USPTO on 11 November 2004. The 30 month time period for paying the basic national fee in the United States expired at midnight on 25 October 2005. Applicants filed, *inter alia*, the basic national fee on 18 October 2005.

DISCUSSION

Review of the declaration of the inventors filed on 18 November 2005 reveals that inventor Roger Blanc is indicated to be "deceased," and that Viviane Blanc has signed the declaration "as legal representative for deceased inventor, Roger BLANC." 37 CFR 1.42 provides in part that

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Meanwhile, 37 CFR 1.497(b)(2), as amended effective 08 September 2000, provides that

If the person making the oath or declaration is not the inventor (§§ 1.42, 1.43 or 1.47), the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence and mailing address of the legal representative.

Further examination of the declaration reveals that it includes residence, citizenship and postal address information for both Roger Blanc and Viviane Blanc. Based on the totality of the circumstances presented, it would be appropriate to accept the declaration under 37 CFR 1.42.

CONCLUSION

The declaration is **ACCEPTED** under 37 CFR 1.42.

This application is being forwarded to the National Stage Processing Branch for continued processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **18 November 2005**.



Leonard Smith
PCT Legal Examiner
PCT Legal Office



George M. Dombroske
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3283
Fax: (571) 273-0459